G. R. S. 59] GPB—15,000—20 12-13

GENERAL AND REVENUE SECRETARIAT.

1910.
(prisons & gaols.)

File No. 143 of 1900.

Serial Nos. 1—4.

Papers Filed.

Month February 1901.

SUBJECT.

Memorial to H. H. the Maharani Regent by prisoner Murugan in Kolar Sessions Case No 11 of 1900-901

Indexed
Krishnadas Atty

PREVIOUS REFERENCES.	LATER REFERENCES.
	Commissioner

Vera 1

Prisoner Murugan

No. of case.

Criminal Case No. 2 of 1900-1901

on the file of the District ~~Class~~ Magistrate of Kolar

Kolar Sessions Case No. 11 of 1900-01, and Criminal Appeal Case No. 121 of 1900-1901

on the file of the Chief Court.

2. Court or Courts which tried it.

District ~~Class~~ Magistrate's Court, Kolar

District, and the ~~Sessions~~ Chief Court, ~~of the~~ ~~Division:~~

3. Nature of sentence originally passed and confirmed or altered in appeal.

Sentenced to death by the presiding judge and confirmed in appeal by the Chief Court.

4. Date of sentence.

21st December 1900.

Received the 29/12/01

P? 13/11/01
929

12/1/01

The Memorialist is a boy of only 18 years of age. The only evidence against him is his own confession & the production of the stolen silver bangles ~~bangle~~ bangles stolen from the person of the murdered

boy who is said to have
been 12 or 13 years of age.
From the commencement
accused has been saying
that he was a distant spectator
of the murder & that the actual
murderers were the two
witnesses Immanuel & Balani
also boys of the same age as
himself. This statt he has adhered
to throughout. His readiness in
pointing out where the stolen
bangles were buried may be
due to a feeling that having
played only a subordinate
part he would not come by
any harm by revealing the
facts. It is probable that more
than one person was connected
with the murder. The memorialist
may have also been employed
in decoying the murdered
boy to the nulla. There is no
question about his guilt if not
as the actual murderer, at least
as an abettor but it is a question
if considering the youth of the memorialist
& absence of evidence as to the part
he took in the murder a less severe
sentence than death may not be
recommended. It would have
been satisfactory if in sending up
the memorial the Chief Court
could have given their opinion
on the memorial. As the case
stands however I think it is
one fit for the exercise of the
prerogative of mercy vested in the
the Maharani Regent. The sentence
may be changed to one of transportation
for life H Prendergast
14/11/94

The Jurors (W. Ramachandra &c.) concurring with the approver, found the accused guilty of murder. On appeal, the Chief Justice and his colleague (W. Manikam Rao) upheld the conviction and sentence of death passed upon the accused.

The circumstances, on which the conviction is based, are these.

I. Mercadista an Englishman

II. The admitted fact that he was present when the murder was committed

III. That the accused was last seen in the company of the deceased

IV. That he pointed out the jewels, for the sake of which the murder was committed.

I could not imagine a stronger case than the present one, for the Jurors to base their conviction upon.

The Chief Counsel for the

in a clear case like this — As
for the sentence, it is a
perfectly legal sentence when
the murder is clearly established
the only sentence a Court is
bound to pass is one of death — unless
there are extenuating circumstances
of such a character as to
justify the Court passing a less
severe sentence, ie transportation
for life.

Neither the Jury, who
found the case on the
appellant at that enquired
the question can fit to
pass the lenient sentence of
transportation for life —

Beyond the bare
statement, that there was
the real perpetration of the murder
and that he was a mere tool

on, the memorialist offered no
evidence to prove his allegation
~~that~~ If the Judge of Chief
considered that this was a fit
case for the exercise of the
prerogative of mercy they would
have recorded their opinion
that effect when returning the
Warrant —

As the next authority,
Lord Palmerston, is adduced
to show some consideration to
the memorialist, on the ground
of his tender age, I think the
person cases for Lord Palmerston
began recommended to the Highness
to exercise the Royal Prerogative
of mercy is to consult the
Chief for fear of their
dissent.

R. P. Simmons Esq

16. 1. 1901. Off Secretary Surveyor

To Post Commissioner

I have carefully considered this case. The only circumstance which seems to be in favour of the memorialist is his old. But this fact was within the cognizance of both the learned judges who decided the case in the first instance and the Bench of Judges who heard the appeal. They did not see any reason to alter the punishment which the Law prescribes and in the absence of any recommendation from their Court to make any specific recommendation - But as the Devan proposes that we may call this Court for their opinion, and as the II Committee has also plainly indicated his difficulty on account of the absence of any recommendation from this Court I am also inclined to call in with these views and send the memorial for the opinion of this Court.

17th January 1901
Madras

Yours truly
Conr. of the Col.

17. 1. 1901

Office: Submit to the Officiating Dewan as soon as it comes back from the 2nd Councillor.

(Sd). C. S.
31/1/07.

Submitted to the Second Councillor for perusal. (Sd) C. S 31-1-07.

Yes. may go up to the Officiating Dewan I may be permitted to note here that I laid stress in my remark both on the youth of the memorialist and also on the absence of the evidence as to the part taken by him in the murder and the probability that he was only an abettor as admitted by him.

(Sd) V. P. Madhava Rao.
31. 1. 901.

Submitted to the Officiating Dewan.

The first councillor's Consent may, owing to the urgency of the case, be obtained by wire. He will be at Kolakkad tomorrow and at Kozhikode the day after. 31. 1. 07.

Yes. (Sd) T. R. A. T.

As the Chief Court say that the commutation of the Sentence to transport for life may be not an improper act of clemency, I am ~~not~~ disposed humbly to recommend to H. H that the Sentence be commuted accordingly. I will not give any reasons as Government has no power to sit in judgement as a Court of appeal against the decree of the Court.

2/2/1907. T. R. A. T.

~~I move that~~ Having regard to the Opinion now expressed by the Chief Court that Commuting the Sentence of death to one of transportation for life

is not an improper act of clemency I beg most humbly to advise Her Highness the Maharani Regent to graciously commute the sentence accordingly.

(Sd) Sankaramanandi
M. C.

13th Febry 1907.
Bangalore.

Submitted to H. H. the Maharani Regent with a draft order for approval.

(Sd) L. A. Lambuchetty.
Officiating Dewan.
of Mysore.

14. 2. 1907

I never asked that reasons should be given in H. H's order. I pointed out an omission in the officiating Dewan's memo and noted again my reasons for the recommendation

(Sd) V. P. M.
26/2/1907.

No 9

Submitted
Hon. Mr
Attorney General
for Chief Justice
Appeal
Chief Secretary
Attorney General
2. 1901

Submitted Hon. Mr 7th July 1901

In the Matter of a Memorial from certain Murugan Prisoners in Kolar Sessions Case No 11 of 1900-01 on the file of the Sessions Court and Appellant in Criminal Appeal No 121 of 1900-01 on the file of the Appellate Side of the Chief Court, praying that the sentence of death passed upon him on a charge of Murder under Section 302 of the I. P. Code be set-aside.

Her Highness the Maharani-Regent

has been pleased to pass the following

Order.

Having regard to the recommendation for mercy made by the Chief Court in their Registrar's letter No 4647 dated 29th January 1901, Her Highness the Maharani Regent has been pleased to direct, that the sentence of death passed on the Memorialist Murugan be, and the same hereby is commuted to one of transportation for life.

Kempanarjanamani

15/2/1901

16/2/01 Issued 14. 2. 1901

14. 2 1901

(General Serial No 30) 7549 / 607-01 / 1900-1

837

~~Secret~~ Political

File No 4390/00

~~Secret~~ 1

From The Registrar of the Chief Court, Mysore

To The Secretary to the Govt of Mysore

Dated 9th Jany 1901

Despatched

Received

General No. 4345 } 1899
No. 137

Enclosures No. 2 with Records

I made the accompanying Memorial of the Pleaders in Vakil Sessions case No. 11 and Cr Referred case No. 2 on the file of this Court together with its English Translation and the two Records of the case connected therewith.

Jnd
10/1/01

Read at 5.30 P.M.
Ord. 10/1/01

Submitted for orders.

11/1 Sd. L. Rice.

11/1/01.

il Press, Bangalore.—5-7-98.—3,221

Urgent

No. 4345 In. 2.
137 with enclosures

Bangalore, 9th January 1901.

From

The Registrar of the
Chief Court of Mysore.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

Sir,

I am directed to forward the accompanying Memorial of the prisoner in Kolar Sessions Case No.11, and Criminal Referred Case No.2, and Appellant in Criminal Appeal No.121, of 1900-1901, on the file of this Court, together with its English Translation and the two records of the cases connected therewith.

2. The Superintendent of the Central Jail, Bangalore, has this day been directed to stay execution of the sentence of death passed on the Memorialist pending the order of Her Highness the Maharani-Regent of Mysore on the said Memorial.

I have the honor to be,
Sir,
Your Most Obedient Servant;

Mayaat Ahmad
REGISTRAR.

Despatch

SECTION P&O

FILE No 143 of 1900

2

To

4264 D 19 Jan 01.
J 1036 Encl

The Registrar

of the High Court

Sir

I am directed by the Secretary of State for Foreign Affairs to transmit herewith for the consideration of the Judges of the High Court a Memorandum received with your letter No 4345 of the 9th August 1900 and to request that the opinion of the High Court may be obtained as to whether the circumstances therein mentioned (which are fully detailed in the Memorandum) constitute any offence against the Foreign Enlistment Act, 1870.

I have the honour to be
Sir
Your most obedient servant
[illegible]
Under Secretary of State

4.

Issued + Subd.

SN
29-1-01

Rd 29/1/01
992

Submitted
Seen by the 2nd Councillor
and ordered to be
returned to office.

C&R
30/1/01.

If you have still a
reply by the 10th March
a reminder
30/1/01 -

I think a reply was rec'd a couple of days back. 31/1/01

Subd. Secy.
The Chief Comm
reply was subd. to the
Secy. yesterday.
31/1/01.

(General Serial No. 30.)

4 — 905

~~189~~ 1901-1

8297
30-1-01

From The Registrar of the Chief Court, Lagos

To The Secretary to the Govt. of Singapore

Dated 29th January 1901

Despatched 29th

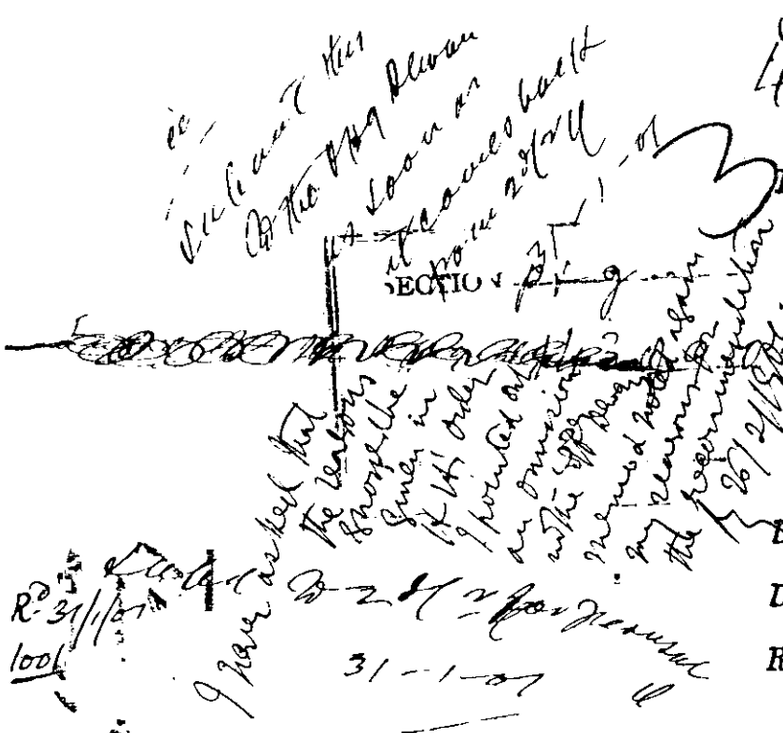
Received

Enclosures No. 2 and 2 encls

General No. 4647

No. 147

States that in the opinion of the Judges the sentence of death passed on Convict Bungin may be commuted to Transportation for life —



Rd 31/1/01

31-1-01

Y.S. May be put up to the S/S Lagos. I may be permitted to note here that I laid stress in my remarks both on the youth of the memorialist and also on the absence of evidence as to the part taken by him in the murder & the probability that he was only an abettor as admitted by him

Lagos
31/1/1901

Subd to Off'g Governor.

The Chief Justice may, owing to the urgency of the case, be obtained by wire — He will be at Holyhead tomorrow & at Headley the day after. 31-1-01

Yes

Jnd 30-1-01

Rec'd @ 2.50 P.m. Jnd. 30-1-01

Subd. The papers on the subject were sent to the 2nd Clk on 29-1-01 for perusal.

JHZ 30-1-01

As the C.C. says that the commutation of the sentence to transportation for life may be used as a means of clemency I am disposed to think that the sentence be commuted as proposed but since any reasons as to how we formed it and on what grounds it is a fact or that all the circumstances

1/2/01.

Submitted WSeed.

30/1/01.

30/1/01.

21 st 1901

Having regard to the opinion now expressed by the Court that commuting the sentence of death would be a humiliation for me is with an humble acts of clemency I beg most humbly to advise Her Highness the Maharajah Regent to graciously commute the sentence accordingly.

(Accd) Chandulal
M C

13th Nov 1907
Bangalore

Submitted to Offg Dewan

13/12/07

Sub: Petn of the Maharajah Regent with a draft order for approval

Offg Dewan
Mysore

14. 2 1908

Murgen

6

CHIEF COURT OF MYSORE

No. ~~1646~~ 1647 Jud. 24 transmitted

Bangalore, 29th January 1901.

From

The Registrar of the
Chief Court of Mysore.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

Sir,

With reference to your No.9264/J.1036 of the 19th Instant returning the Memorial of Convict Murgen and requesting opinion as to whether under the circumstances represented in the Memorial, the convict deserves any consideration and mercy, I am directed to state that in the opinion of the Judges there appear to be no extenuating circumstances in favor of the Appellant whose age is stated as 18 years, while that of the boy who was murdered was 12. However, considering the Appellant's youth, the commutation of the sentence to Transportation for life may be a not improper act of clemency.

2. The enclosures of your letter under reply are herewith returned.

I have the honor to be,

Sir,

Your Most Obedient Servant;

REGISTRAR.

7. Enclosure to
CCB

To,

H. H. the Maharani,
Regent of Mysore.

Humble memorial submitted by Mirugan, prisoner no 2601 in Central Jail, Bangalore, sentenced to death, in Kolar Sessions case no. 11 of 1900-901 (on the file of chief Court), is as follows:-

The chief court in the said case found me guilty of murder & sentenced me to death.

I beg to submit that I am of tender age and I am not well acquainted with the ways of this world; as such, being afraid of the Police, I disclosed and stated, as required by them, facts as they have actually transpired. I beg to urge here that I am not the person who committed murder. I named & pointed out the real culprits who committed the murder; Nevertheless, the court left them off and imposed upon me this awful

sentence

sentence of death. I pray therefore that Your Highness may be graciously pleased to grant me life, so that I may live in this world. I beg that Your Highness may be kindly pleased to pardon me for having associated with wicked boys, thro' ignorance, so as to allow me a chance of seeing my mother, who is weeping for me in far off land.

Mark of Imrugan

8/7.1.01.

K.M.
T.M.

Demi

OFFICE OF THE ~~GOVERNMENT~~ OF MYSORE.

No 10861 Judl Records Dated Bangalore 19th February 1901

J 1160

SECTNS Pt I

FILE 1432 1900.

From

The ~~General~~ Secretary to the Government of Mysore.

Sl Genl & Rev Depts

To

The Registrar of the Chief Court of Mysore.

SIR,

I am directed to forward herewith for information of the Judges of the Chief Court and for communication to the prisoner Murugan undergoing sentence of death in the Bangalore Central Jail, copy of order passed by H. H. the Maharani Regent of Mysore, on the prisoner's memorial.

2. The entire records received with your letter No. 4345-137 dated the 9th January 1901 are herewith returned.

I have the honor to be,

SIR,

Your most obedient servant,

19/2/01

~~General Secretary~~.

SN 19/2/01

Subd to 2nd Councillor for perusal.

25/2/01

R. 25/2/01

Cond to 1 Secy to Govt for perusal

2nd Councillor

Gazette Notification

Copy of the statements in the Register for perusal

27/2/1901